



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3764
#650
12-23-02

Applicant: William Edward James
Serial No.: 09/674,996
Filing Date: 11/02/2000
Title: Automatically Variable Stride
Walk-Run-Stepper Pedal
Exerciser

Attorney Docket: 25529/002
Examiner: T M Nguyen
Group Art Unit: 3764
Confirmation No.: 1327

RESPONSE TO REQUIREMENT FOR AN ELECTION OF SPECIES
UNDER 35 USC121

Assistant Commissioner for Patents
Group Art 3764
Washington, DC 20231

RECEIVED

DEC 20 2002

Dear Sirs:

TECHNOLOGY CENTER R3700

In an Office Action dated 30 October, 2002, an election of species was required between the following:

Species A: Fig. 1
Species B: Fig. 4
Species C: Fig. 9
Species D: Fig. 14
Species E: Fig. 17

Applicant elects Species B, directed to a return means using a fluid (e.g., pneumatic).

Claims 1, 2 and 5 are believed to be generic. Claims 3 and 9 are directed to the elected species. Claims 14, 15 and 16 are generic to all species.

Applicant notes that the elected species being patentable, examination will be resumed on the unelected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected species.

Respectfully submitted,

J. Herbert O'Toole
Attorney for Applicant(s)
Registration Number 31,404
Nexsen Pruet Jacobs & Pollard, LLC
P.O. Box 10107
Greenville, SC 29603
Telephone: 864/370-2211
Facsimile: 864/282-1177

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

Date